

KELLEY DRYE & WARREN LLP
Lauri A. Mazzuchetti (*pro hac vice*)
Edward J. Mullins III (*pro hac vice*)
One Jefferson Road, 2nd Floor
Parsippany, New Jersey 07054
Telephone: (973) 503-5900
Facsimile: (973) 503-5950
lmazzuchetti@kelleydrye.com
emullins@kelleydrye.com

KELLEY DRYE & WARREN LLP
Lee S. Brenner (State Bar No. 180235)
Catherine D. Lee (State Bar No. 258550)
10100 Santa Monica Boulevard, 23rd Floor
Los Angeles, CA 90067-4008
Telephone: (310) 712-6100
Facsimile: (310) 712-6199
lbrenner@kelleydrye.com
clee@kelleydrye.com

Attorneys for Defendants Sunrun Inc. and Clean Energy
Experts, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN SLOVIN, an individual, on her own
behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

SUNRUN, INC., a California corporation,
CLEAN ENERGY EXPERTS, LLC, a
California limited liability company doing
business as SOLAR AMERICA, and DOES 1
through 5, inclusive,

Defendants.

Case No. 4:15-cv-05340-YGR

(Hon. Yvonne Gonzalez Rogers)

**DECLARATION OF LAURI A.
MAZZUCHETTI IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE**

*[Notice of Motion and Motion, Long Decl.,
Peelle Decl., and [Proposed] Order filed
concurrently herewith]*

Date: October 11, 2016
Time: 2:00 p.m.
Place: Courtroom 1

TAC Filed: July 12, 2016
Trial Date: None Set

DECLARATION OF LAURI A. MAZZUCHETTI

I, Lauri A. Mazzuchetti, declare as follows:

1. I am a partner at Kelley Drye & Warren LLP, and counsel of record for Defendants Sunrun Inc. and Clean Energy Experts, LLC (“Defendants”). I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. On December 21, 2015, Plaintiff’s and Defendants’ counsel discussed Plaintiff serving subpoenas on telecommunications companies to investigate who called Lynn Slovin.

3. I agreed with Plaintiff’s counsel that it was important to identify who placed the alleged calls, due to the concern that the calls at issue in this lawsuit had no tie to Defendants.

4. In turn, Plaintiff’s counsel served rounds of subpoenas on certain telecommunications companies on January 26, 2016, and subsequently on February 16, 2016.

5. On March 31, 2016, counsel for Plaintiffs Lynn Slovin, Sam Katz, and Jeffrey Price (“Plaintiffs”) informed me that Plaintiffs intend to serve additional subpoenas to telecommunications carriers for calls to Slovin, Katz, and Price in an attempt to identify, if possible, who placed the calls allegedly received by the Plaintiffs.

6. I am aware of at least 25 subpoenas that Plaintiffs have served in connection with this lawsuit, in Plaintiffs’ attempt to figure out whether any of the calls that Plaintiffs received could be attributed to Defendants.

7. Plaintiffs allege that Katz received an unwanted call on August 18, 2015. My firm produced documents regarding Katz’s expressly opting in to receive the call.

8. My firm produced a document indicating that the April 26, 2016 call to Birkhofer was made after the vendor received prior express written consent to call Birkhofer’s number.

9. In Plaintiffs’ July 26, 2016 response to Interrogatory No. 8 seeking the complete factual basis for their allegation that the calls were made by Defendants or persons “acting at [their] direction,” Plaintiffs asserted blanket objections and claimed that they had not “had a reasonable opportunity to complete discovery.” Attached as Exhibit A is a true and correct copy of the relevant excerpts of Slovin’s, Price’s and Katz’s Responses to Sunrun’s First Set of

1 Interrogatories.

2 9. As seen in Slovin's Responses to Interrogatory No. 12, Plaintiffs assert that on
3 November 2, 2015, someone called Slovin from "U.S. Solar."

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed on August 19, 2016, in Parsippany, New Jersey.

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